

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JASON W. SANDBERG,

Plaintiff,

V.

SUPERINTENDENT RON VAN  
BOENING, *et al.*,

## Defendants.

CASE NO. C09-5347RJB/JRC

## ORDER ON MULTIPLE PENDING MOTIONS

This case has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§

636(b) (1) (A) and 636(b) (1) (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR 4.

The matter is before the court on seven motions filed by plaintiff (Dkt. # 16, 19, 23, 24, 26, 27, and

29). In a prior order the court denied a request for counsel, and granted plaintiff leave to file an

amended complaint (Dkt. # 20). The amended complaint is due September 4, 2009.

Plaintiff filed two more motions for appointment of counsel (Dkt. # 19 and 29). Both those

motions are DENIED for the reasons stated in the court's August 4, 2009 order. (Dkt. # 20)

Plaintiff has also filed another motion asking for leave to file an amended complaint (Dkt. # 23).

Plaintiff has until September 4, 2009, to have an amended complaint on file. The court will not accept

address this issue.

1 Plaintiff has also filed a motion asking that defendants be ordered to respond to the complaint  
2 within ten days (Dkt. # 16). The court has not yet ordered service of this action because the court is  
3 waiting for the amended complaint. The court told the plaintiff that the amended complaint would  
4 be a complete substitute for the original and not a supplement. Thus, until an amended complaint  
5 and service documents are filed, the court is not in a position to order service of the complaint. It is  
6 premature to expect an answer. The motion to order a response within ten days, (Dkt. # 16), is  
7 DENIED.

8 In the remaining three motions, plaintiff asks the Court (1) to allow plaintiff to talk to  
9 inmates at McNeil Island, (Dkt. # 26), (2) to have a hearing on plaintiff's motion regarding  
10 injunctive relief, (Dkt. # 24), and (3) to prevent plaintiff's transfer from Mc Neil Island so that he  
11 can conduct interviews, (Dkt. # 27). All three of these issues are related to plaintiff's motion for a  
12 temporary restraining order to prevent his transfer from Mc Neil Island, (Dkt. # 11). A Report and  
13 Recommendation on that issue is pending before the Honorable Robert J. Bryan (Dkt. # 21, Report  
14 and Recommendation). Plaintiff filed objections to the Report and Recommendation on August 14,  
15 2009, (Dkt. # 30). The matter is noted for September 4, 2009, before Judge Bryan. Docket numbers  
16 24, 26, and 27, are properly before Judge Bryan because they relate to the pending Report and  
17 Recommendation.

18 The Clerk's office is directed to remove the entries 16, 19, 23, and 29 from the calendar.  
19 Further, entries 24, 26, and 27 should be removed from the Magistrate Judge's calendar and  
20 placed on Judge Bryan's calendar.

21 DATED this 25<sup>th</sup> day of August, 2009.

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J. Richard Creatura  
United States Magistrate Judge